

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

QUALXSERV LLC,

Petitioner,

vs.

PAMELA F. ALVAREZ,

Respondent.

CASE NO. C 06-5956 JSW

STIPULATION AND ~~PROPOSED~~ ORDER
SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R.3-5.

The parties respectfully submit that the pending motion to dismiss and motion to compel arbitration which are currently set for hearing on February 23, 2007, are almost certain to resolve this matter completely. However, to the extent they do not, the parties agree to participate in the following ADR process if issues remain after the Court's rulings that are amenable to an ADR procedure:

Court Process:

☐
☐
X

Non-binding Arbitration (ADR L.R. 4)
Early Neutral Evaluation (ENE) (ADR L.R. 5)
Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

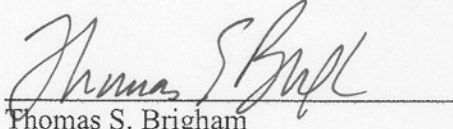
☐

Private ADR (please identify process and provider)

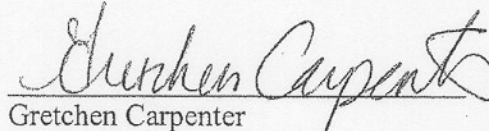
X To the extent appropriate given the issues remaining after the Court's rulings on the pending Motion to Dismiss and Motion to Compel Arbitration, the parties

agree to hold the ADR session within 90 days of resolution of the pending motions.

Dated: February 2, 2007


Thomas S. Brigham
Attorney for Petitioner

Dated: February 2, 2007


Gretchen Carpenter
Attorney for Respondent

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- ☐ Non-binding Arbitration
- ☐ Early Neutral Evaluation (ENE)
- ☒ Mediation
- ☐ Private ADR

Deadline for ADR session

- ☒ within 90 days of resolution of the pending motion to dismiss and motion to compel arbitration, assuming issues remain which are amenable to ADR process.
- ☐ other _____

IT IS SO ORDERED.

Dated: February 8, 2007


UNITED STATES DISTRICT COURT
JUDGE